IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

CRL.A.No. 550 of 1998

CC.462/1996 of JUDL.MAGISTRATE OF FIRST CLASS, PERUMBAVOOR
.....

PETITIONER/COMPLAINANT:

M.K. ALIYAR, MUTHEDAN VEEDU,
ALLAPRA KARA,
PERUMBAVOOR VILLAGE.

BY ADV. SRI.P.R.JAYAKRISHNAN.

RESPONDENT/ACCUSED:

JOHNSON, S/O. JOSEPH, THIRUNLATHU VEEDU,
KADAVANTHARA.P.O., ERNAKULAM-19.

BY

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 14/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY, J.

Crl. Appeal No. 550 of 1998

Dated this the 14th day of February, 2007

Judgment

This appeal is filed against the order of acquittal under section 256 (1) of the Code of Criminal Procedure Code. Notice was ordered on 18.8.1998. No steps were taken to cure the defect. On 4.10.2006 it was ordered by this Court that: "Two weeks' time is allowed to cure the defect." But, thereafter also, no steps were taken. Without serving notice on the accused, an order of acquittal cannot be interfered with. Apart from the above, I note that appeal was dismissed for absence of the complainant under section 256 (1) Cr. P.C. Dismissal of the complaint under section 256 (1) Cr. P.C. for absence of the complainant cannot be termed as illegal. Appeal is dismissed.

J.B. KOSHY
(JUDGE)

vaa

J.B.Koshy J.

Crl. A. No.550 of 1998

Judgment

14-2-2007